

REMARKS

Claims 4-6, 22 and 25-36 are pending. Claims 26 and 33 are amended herein to recite “The cDNA contained in pHF1” as supported at page 20, lines 7-9, which recite a “plasmid containing the HF1 cDNA clone, designated pHF1.” Claim 34 is amended herein as supported in claim 34 as originally submitted and entered. These amendments are not believed to add any new matter, and their entry is respectfully requested. In view of the above amendments and the following remarks, further consideration and allowance of the application are respectfully requested.

Rejections Under 35 USC § 112

Claim 34 is rejected under 35 USC § 112 as allegedly containing new matter. Particular the Examiner asserts that the language referring to a “species with a molecular weight of about 180-185 kilodaltons... as determined by sodium dodecyl sulfate polyacrylamide gel electrophoresis” is not supported in the specification. Applicants respectfully assert that the support for this amendment was established in the response filed June 8, 1998. Nevertheless, to expedite prosecution, the language at issue has been cancelled from the claim by amendment herein.

Claim 33 is rejected as allegedly indefinite for the recitation of “The cDNA pHF1.” The Examiner notes that the specification defines “pHF1” as a plasmid containing clone HF1; thus it is not clear what cDNA is intended in claim 33. Applicants respectfully assert that one of skill reading this claim in view of the specification would recognize what is covered by this claim. Nevertheless, claim 33 has been amended to recite “The cDNA contained in pHF1.” Similarly, claim 26 has been amended in clause d) to recite the same text. This is believed to address this rejection, and its withdrawal is respectfully requested.

Rejections Under 35 USC § 102

Claims 4-6, 22 and 25-36 are rejected as allegedly anticipated under 35 USC § 102(e) by Williams et al. (US 6,372,438). The Examiner recites a filing date for this patent of February 2, 1988 and states that the patent teaches the protein of SEQ ID NO:1 of the present application, a nucleic acid that would hybridize with the nucleic acid of SEQ ID NO:2, and vectors containing and methods of expressing these nucleic acids.

Applicants traverse this rejection on the ground that the sequences noted by the Examiner and disclosed in the cited patent, were not disclosed in any application by Williams et al. prior to the February 9, 1989 filing date of applicants' first application disclosing the claimed invention. Priority patent application number 07/151,414 of Williams et al. filed prior to February 9, 1989 did not disclose SEQ ID NO:2 of the present claims. The other Williams et al. priority applications were filed after the present application's priority date. Since the claimed α PDGFR is the basis of all the pending claims of the present application, none of the pending claims are anticipated by Williams et al. (US 6,372,438). Thus, withdrawal of the rejection is believed to be merited and is respectfully requested.

Claims 4-6, 22 and 25-36 are rejected as allegedly anticipated under 35 USC § 102(e) by Sledziewski et al. (US 5,567,584). The Examiner recites a filing date for this patent of January 22, 1988 and states that the patent teaches the protein of SEQ ID NO:1 of the present application, a nucleic acid encoding that sequence, vectors containing these nucleic acids, and portions of the disclosed protein.

Applicants traverse this rejection on the ground that the sequences noted by the Examiner and disclosed in the cited patent, were not disclosed in any application by Sledziewski et al. prior to the February 9, 1989 filing date of applicants' first application disclosing the claimed invention. The priority application of Sledziewski et al., which was filed prior to February 9, 1989 (the 07/146,877 application) did not disclose SEQ ID NO:2 of the present claims. The other Sledziewski et al. priority applications were filed after the present application's priority date. Since the claimed α PDGFR is the basis of all the pending claims of the present application, none of the pending claims are anticipated by Sledziewski et al. (US 5,567,584). Thus, withdrawal of the rejection is believed to be merited and is respectfully requested.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1020.00, representing the fee for a large entity under 37 C.F.R. § 1.17(a)(3) and a Request for Extension of Time is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.


Gwendolyn D. Spratt

12-5-06
Date